

D. MICHAEL SCHOENFELD – SBN 102332
MURPHY AUSTIN ADAMS SCHOENFELD LLP
1000 G Street, Third Floor
P. O. Box 1319 (95812-1319)
Sacramento, CA 95814
Telephone: (916) 446-2300
Facsimile: (916) 503-4000

Attorneys for Use-Plaintiff and Counter-Defendant
LAWSON MECHANICAL CONTRACTORS, INC.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA (SACRAMENTO)

The United States of America for the Use and
Benefit of LAWSON MECHANICAL
CONTRACTORS, INC., a California corporation,

Use-Plaintiff,

vs.

JOHN F. OTTO, INC., a California corporation;
and, TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA, a corporation,

Defendants.

JOHN F. OTTO, INC., a California corporation,

Counter-Claimant,

vs.

LAWSON MECHANICAL CONTRACTORS,
INC., a California corporation,

Counter-Defendant.

CASE NO. CIV S-04-0185 WBS DAD

**STIPULATION AND [PROPOSED] ORDER
RE DISMISSAL**

Action Filed: January 27, 2004

Come Now Lawson Mechanical Contractors, Inc. (“Plaintiff” or “Lawson”), John F. Otto, Inc. (“JFO”), and Travelers Casualty and Surety Company of America (“Travelers”), by and through their respective undersigned counsel, and hereby stipulate as follows:

1. The above parties through their designated counsel stipulate that the above-captioned action in its entirety be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1).

2. The above parties further stipulate that all parties are to bear their own fees and costs, including, but not limited to, litigation costs, attorneys' fees, and expert fees and costs.

3. The above parties acknowledge that the content of this Stipulation and [Proposed] Order is acceptable to all persons required to sign the documents, that counsel for JFO and Travelers authorizes counsel for Lawson to sign this document on his behalf, that counsel for Lawson has on file all holograph signatures for all signatures indicated by a "conformed" signature (/s/) within the e-filed Stipulation and [Proposed] Order re dismissal, that all signatories concur in the filing of the Stipulation and the submittal of the [Proposed] Order to the court, that the original Stipulation and [Proposed] Order, and all holograph signatures on the Stipulation and [Proposed] Order, will be maintained in the office of Lawson's counsel for subsequent production for the court, if so ordered, or for inspection upon request by a party, until one year after final resolution of the action.

DATED: April 19, 2005 MURPHY AUSTIN ADAMS SCHOENFELD LLP

/s/ D. Michael Schoenfeld
By _____
D. MICHAEL SCHOENFELD
Attorneys for Use-Plaintiff and Counter-Defendant
LAWSON MECHANICAL CONTRACTORS, INC.

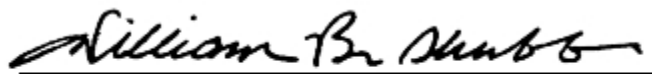
DATED: April 15, 2005 MCDONOUGH, HOLLAND & ALLEN

/s/ Sean-Thomas P. Thompson for
Robert W. O'Connor (as authorized on April 15, 2005)
By _____
ROBERT W. O'CONNOR
Attorneys for Defendant/Counter-Claimant
JOHN F. OTTO, INC., and Defendant
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

ORDER OF THE COURT

Based upon the above Stipulation and for good cause appearing:
IT IS SO ORDERED.

DATED: April 21, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Lawson Mechanical v. John F. Otto, Inc., et al.
(U.S. District Court - Eastern District (Sacramento)- Case No. CIV.S-04-0185 WBS DAD)

I, Tara Jasmine, certify as follows:

I am citizen of the United States, over the age of 18 years, and not a party to this action. My business address is Murphy Austin Adams Schoenfeld LLP, 1000 G Street, Third Floor, Sacramento, California 95814, which is located in the county where the mailing described below took place.

I am familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed would be deposited with the United States Postal Service that same day in the ordinary course of business.

On April 19, 2005, at my place of business at Murphy Austin Adams Schoenfeld LLP, 1000 G Street, Third Floor, Sacramento, CA 95814, a true and correct copy of the document(s) described as

STIPULATION AND [PROPOSED] ORDER RE DISMISSAL

on all persons listed below as follows:

 X If marked **U.S. MAIL** or **FEDERAL EXPRESS**, by placing this date for collection for mailing or sending a true and correct copy thereof in sealed envelopes, addressed to each of the persons so marked. I am familiar with the business practice at my place of business for collection and processing of documents for mailing with the U.S. Mail or for sending via Federal Express; they are deposited in the ordinary course of business with the U.S. Postal Service or the Federal Express office on that same day, with postage fully prepaid, at Sacramento, California.

 If marked **FAX SERVICE**, by causing a true and correct copy thereof to be facsimile transmitted this date to the FAX number(s) stated to the person(s) named.

 If marked **PERSONAL SERVICE**, by causing a true and correct copy thereof to be hand delivered this date to the address(es) stated to the person(s) named.

Robert W. O'Connor
Sean-Thomas P. Thompson
McDonough Holland & Allen PC
555 Capitol Mall, 9th Floor
Sacramento, CA 95814
Telephone: (916) 444-3900
Facsimile: (916) 444-0707

***Attorneys for Defendant/Counter-Claimant
JOHN F. OTTO, INC., and Defendant
TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA***

1 I certify that I am employed in the office of a member of the bar of the federal court at whose
2 direction this service was made.

3 I certify under penalty of perjury that the foregoing is true and correct.

4 Executed on April 19, 2005, at Sacramento, California.

5 /s/ Tara Jasmine

6
7 TARA JASMINE